

ORDINANCE NO. 3742

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING CHAPTER 10.44 OF THE HUNTINGTON BEACH
MUNICIPAL CODE RELATING TO PARKING TIME LIMITS

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Section 10.44.065, subsection (a), of the Huntington Beach Municipal Code is hereby amended to read as follows:

- (a) Recreational vehicles as defined in Section 10.44.060, or unattached boat or personal water craft trailer, parked for the purpose of loading, or other short term use, provided that a permit has been issued in advance by the Chief of Police. A permit may be issued for loading, unloading, or other short-term use not to exceed twenty-four hours, provided that: (3699-04/05)
1. no more than sixteen (16) such periods are allowed in a calendar month; and (3699-04/05)
 2. no more than eight days consecutively; and (3699-04/05)
 3. no more than one hundred forty-four days in any twelve (12) month period.

Such parking shall be limited to the area in front of the residence from which the loading or unloading will occur, or in reasonable proximity thereto if the front of the residence is not available for parking. (3699-04/05)

SECTION 2. Chapter 10.44 is hereby amended by adding Section 10.44.067, said section to read as follows:

10.44.067 Street Sweeping-Compliance. All recreational vehicle permit holders shall comply with the City of Huntington Beach street sweeping parking regulations pursuant to Chapter 10.40 of the Huntington Beach Municipal Code and as thereafter amended

SECTION 3. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 200__.

Mayor

ATTEST:

City Clerk

INITIATED AND APPROVED AS TO FORM:

James M. Smith
City Attorney

5/30/06

REVIEWED AND APPROVED:

Pauline Cullins
City Administrator

APPROVED FOR INTRODUCTION
6/5/06

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LEGISLATIVE DRAFT

Chapter 10.44

PARKING--TIME LIMITS

(255-2/33, 276-11/25, 322-1/29, 373-7/34, 533-7/48, 566-11/50, 1155-8/65, 1935-11/74, 2115-11/76, 2177-5/77, 2276-5/78, 2514-12/81, 2644-12/83, 2692-7/84, 2795-10/85, 2855-12/86, 3011-9/89, 3136-5/92, 3257-11/94, 3336-12/96, 3699-4/05)

Sections:

- 10.44.010 Twenty-four minute maximum
- 10.44.020 Twelve or twenty-four minutes--Violation
- 10.44.030 One-hour parking
- 10.44.040 Two-hour parking
- 10.44.050 Penalty--Continuing violations
- 10.44.060 Oversized vehicle parking regulations
- 10.44.062 Recreational vehicle parking in a residential district-special permits
- 10.44.065 Exceptions
- 10.44.067 Street Sweeping-Compliance**
- 10.44.070 Arterial highway oversize vehicle parking regulations
- 10.44.080 Overnight Parking of Recreational Vehicle in Commercial or Industrial District

10.44.010 Twenty-four minute maximum. Green curb marking shall mean no standing or parking for a period of time longer than twenty-four (24) minutes at any time. (276-11/25, 322-1/29, 533-7/48, 1155-8/65, 3257-11/94)

10.44.020 Twelve or twenty-four minutes--Violation. When authorized signs or curb markings have been determined by the Director of Public Works to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle adjacent to any such legible curb marking or sign in violation thereof. (276-11/25, 322-1/29, 533-7/48, 1155-8/65)

10.44.030 One-hour parking. When authorized signs or curb markings have been determined by the Director of Public Works to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle between the hours of 9 a.m. and 6 p.m. of any day except Sundays and holidays for a period of time longer than one hour. (255-2/23, 566-11/50, 1155-8/65)

10.44.040 Two-hour parking. When authorized signs or curb markings have been determined by the Director of Public Works to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park the vehicle between the hours of 9 a.m. and 6 p.m. of any day except Sundays and holidays for a period of time longer than two hours. (322-1/29, 373-7/34, 1155-8/65)

10.44.050 Penalty--Continuing violations. Any person violating any provision of this chapter shall, upon a conviction thereof, be guilty of an infraction, and punishable by a fine not to exceed one hundred dollars (\$100), provided further that each period of time a vehicle is left parked after the initial violation of such provisions shall be deemed a separate offense, equal to the maximum legal parking time for the particular time zone or parking space as designated in sections setting the maximum legal time. (1155-8/65, 2276-5/78)

10.44.060 Oversized vehicle parking regulations. Except as herein provided, no person shall park or leave standing upon any public street or highway in a residential district: (3699-04/05)

- (a) Any motor vehicle over twenty-five (25) feet long measured from the extreme forward point to the extreme rear point, including extensions;

- (b) Any motor vehicle, over ninety-six (96) inches wide, measured at its widest point excluding side-view mirrors or similar extensions, designed, used or maintained for the transportation of property;
- (c) Any motor vehicle, including buses, motor trucks, trailers, semitrailers, trailer coaches, or truck tractors as defined in the Vehicle Code, over ninety-six (96) inches wide, measured at its widest point excluding side-view mirrors or similar extensions, designed, used or maintained for the transportation of property;
- (d) Any motor vehicle which is designed, used or maintained as farm machinery or a special purpose or equipment machine; (3699-04/05)
- (e) Any nonmotorized vehicle, such as a semitrailer, trailer, trailer coach, utility trailer, two or more axle camper, or a one-axle camper, which has been detached from its drawing vehicle; or (1935-11/74, 2115-11/76, 2514-12/81, 2855-12/86, 3699-04/05)
- (f) Any "recreational vehicle (RV)", over twenty (20) feet long measured from the extreme forward point to the extreme rear point, including extensions. The term "recreational vehicle (RV)" shall have the same meaning as set forth in California Health and Safety Code Section 18010 or successor statute. (3699-04/05)

10.44.062 Recreational vehicle parking in a residential district-special permits.

- (a) The Chief of Police may issue a temporary permit for the overnight parking of a recreational vehicle prohibited by 10.44.060 if there is a finding that the vehicle is used on a daily basis and on-premise parking is not reasonably available. A permit issued based on this finding shall not be valid for longer than six months. (3699-04/05)
- (b) The Chief of Police may issue a temporary permit to persons who demonstrate by way of written statement from a licensed medical doctor, that the recreational vehicle prohibited by 10.44.060 must be kept near a residence for medical reasons. (3699-04/05)

10.44.065 Exceptions. Section 10.44.060 shall not apply to the following:

- (a) Recreational vehicles as defined in Section 10.44.060, or unattached boat or personal water craft trailer, parked for the purpose of loading, or other short term use, provided that a permit has been issued in advance by the Chief of Police. A permit may be issued for loading, unloading, or other short-term use not to exceed twenty-four hours, provided that: (3699-04/05)
 - 1. no more than sixteen (16) such periods are allowed in a calendar month; and (3699-04/05)
 - 2. no more than eight days consecutively.; **and** (3699-04/05)
 - 3. **no more than one hundred forty-four days in any twelve (12) month period.**

Such parking shall be limited to the area in front of the residence from which the loading or unloading will occur, or in reasonable proximity thereto if the front of the residence is not available for parking. (3699-04/05)

- (b) Nothing in this ordinance shall be construed to permit sleeping in a vehicle prohibited by Section 9.54.010 of the Huntington Beach Municipal Code. (3699-04/05)
- (c) A permit may be issued for any oversized motor vehicle parked while used in performing or assisting in performing services or repairs on residential property. The permit will be valid for 45 days and will be renewed only upon proof that the vehicle is continuing to be used in performing the services described herein. (3699-04/05)

- (d) Any oversized motor vehicle which is parked for not more than twenty-four (24) consecutive hours to make emergency repairs to such vehicle. Nothing herein shall be construed to permit violation of any restriction on vehicle repair elsewhere in the Huntington Beach Municipal Code. (3699-04/05)
- (e) Any nonmotorized vehicle, such as a semitrailer, trailer, trailer coach, utility trailer, two or more axle camper, or a one-axle camper which has been detached from its drawing vehicle parked for a period not to exceed four (4) hours in any area other than a residential district. Successive acts of parking within a two-tenths of a mile area shall be presumed to be a single act of parking for purposes of this ordinance. (1935-11/74, 2115-11/76, 2514-12/81, 2855-12/86, 3699-04/05)
- (f) Any recreational vehicle parked in reasonable proximity to a park between the hours of 6 a.m. and 9 p.m. (3699-04/05)

10.44.067 Street Sweeping-Compliance. All recreational vehicle permit holders shall comply with the City of Huntington Beach street sweeping parking regulations pursuant to Chapter 10.40 of the Huntington Beach Municipal Code and as thereafter amended

10.44.070 Arterial highway oversize vehicle parking regulations.

- (a) Except as provided in subsection (b) and (c) hereof, no person shall park or leave standing upon any arterial highway between the hours of 9 p.m. and 6 a.m., or for longer than two (2) hours at any other time, any motor vehicle over eighty-four (84) inches high, measured from the surface of the roadway to its highest point, or over eighty-four (84) inches wide, measured from its widest point, excluding side view mirrors or similar extensions on any of the following highways in the City of Huntington Beach:

Adams Avenue	Edinger Avenue	McFadden Avenue
Algonquin Street	Edwards Street	Newland Street
Argosy Avenue	Ellis Avenue	Pacific Coast Highway
Atlanta Avenue	Garfield Avenue	Seventeenth Street
Banning Avenue	Goldenwest Street	Slater Avenue
Beach Boulevard	Gothard Street	Springdale Street
Bolsa Avenue	Graham Street	Talbert Avenue
Bolsa Chica Street	Hamilton Avenue	Ward Street
Brookhurst Street	Heil Avenue	Warner Avenue
Bushard Street	Indianapolis Avenue	Yorktown Avenue
Center Avenue	Magnolia Street	

(2177-5/77, 2644-12/83, 2692-7/84, 2795-10/85, 2855-12/86, 3011-9/89, 3336-12/96)

- (b) In case of emergency, oversize vehicles shall be removed immediately if between the hours of 9 p.m. and 6 a.m., otherwise they may park on the highways listed in this section provided that such vehicles shall be removed within four (4) hours. Emergency parking is defined to mean any vehicle left standing at the roadside because of mechanical breakdown or because of driver's physical incapacity to proceed. (3336-12/96)
- (c) Notwithstanding the prohibition contained in this section, wherever highway markings clearly indicate legal on-street parking in front of residential property facing any arterial highway set out in subsection (a) hereof, an oversized vehicle may park or stand in front of such residential property for not more than eight (8) consecutive hours to load or unload passengers or property, or to furnish commercial services or repairs to the premises. (3336-12/96)

10.44.080 Overnight Parking of Recreational Vehicle in Commercial or Industrial District.

No person shall park or leave a recreational vehicle over twenty (20) feet long measured from the extreme forward point to the extreme rear point, including extensions, in a commercial or industrial district between the hours of 9 p.m. and 6 a.m. (3699-04/05)

6872 Vista del Sol Drive
Huntington Beach, CA 92647
(714) 842-8118

COPY

May 29, 2006

Senator John Campbell	Honorable Dana Rohrabacher	Assemblyman Thomas Harman
35th Senate District	45 th Congressional District	67 th Assembly District
950 South Coast Dr.	101 Main Street, Suite 380	17011 Beach Blvd.
Costa Mesa, CA 92626	Huntington Beach, CA 92648	Huntington Beach, CA 92647

RE:

- ✚ Violation California State Handicap Permit Provisions
- ✚ Violation American Disability Act (ADA)

Dear Sirs:

The City of Huntington Beach has passed a recreational vehicle (RV) ordinance^{§10.44.060} restricting the use of **my only registered** vehicle, a short recreational vehicle (23E). I have a handicap placard number 142456F and I have been denied unrestricted parking at my home. RV restrictions include length of time limits a RV, number of days in a month limits, and the number of days in a year limits.^{§10.44.065} Trucks up to 25 feet have fewer restrictions than my RV.

The ordinance further requires the handicap to provide *special documentation*, at my additional expense, to obtain a permit for my RV, justifying the "degree or severity" of my handicap. The City of Huntington Beach officials (police department) are not qualified to judge ones personal disabilities or needs.***** I was informed that the city denied a permit to someone with gastrointestinal or bowel problem. In my case, the city only issued a three (3) month "temporary" permit when the ordinance allows a six (6) month special permits.^{§10.44.062} ***For the handicap, there should be no special justifications or number of day restrictions*** except for possible street cleaning.

I am requesting that:

- the city cease and desist any restrictions on the handicap and their use of their handicap privileges under the State of California law;
- the city cease and desist any restrictions on the handicap under Federal Law; and,
- any public or private facilities stop denying the use of handicap parking spaces to that displaying handicap placard. This has not been a problem in the City of Huntington Beach but a problem at Anaheim Stadium (even for a RV under 20 feet).

The handicap placard should be valid anywhere in California without local restrictions.

Sincerely,


Laurence J. Stuppy II

1900

§10.44.060

Oversized vehicle parking regulations

§10.44.065

Exceptions to §10.44.060 (This section provides the day and year restrictions.)

The "written statement from a licensed medical doctor" requires the handicap person to make repetitive trips to the doctor to obtain a signature on the application and/or a supplemental letter for the application. This may be a un-reasonable added "medical" expense to the handicap.

§10.44.062

Recreational vehicle parking in residential district-special permits.

- (a) The Chief of Police may issue a temporary permit for the overnight parking of a recreational vehicle prohibited by 10.44.060 if there is a finding that the vehicle is used on a daily basis and on-premise parking is not reasonable available. A permit issued based on this finding shall not be valid for longer than six months.
- (b) The Chief of Police may issue a temporary permit to persons who demonstrate by way of written statement from a licensed medical doctor, that the recreational vehicle prohibited by 10.44.060 must be kept near a residence for medical reasons.